

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER EDWARD MILLER,

Plaintiff,

v.

RYAN BURGETT, et al.

Defendants.

CIVIL ACTION
NO. 19-5309

ORDER

AND NOW, this 8th day of June, 2021, after a review of the defendants' Motion to Dismiss, and review of the video footage plaintiff attached to his complaint, it is hereby **ORDERED** that defendants' Motion to Dismiss is **GRANTED IN PART** and **DENIED IN PART**. Plaintiff's Eighth Amendment claim is dismissed, and his five other counts survive the Motion to Dismiss.

BY THE COURT:

Jeffrey L. Schmehl
Jeffrey L. Schmehl, J.